

<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) A-6689 (191910-1590)									
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]  on _____  Signature _____  Typed or printed name _____	Application Number  09/693,790	Filed  October 20, 2000									
	First Named Inventor  Jerding, et al.										
	Art Unit  2623	Examiner  Shang, Annan Q.									
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <table style="width: 100%; border: none;"><tr><td style="width: 50%; vertical-align: top;"><input type="checkbox"/> applicant/inventor.</td><td style="width: 50%; vertical-align: top;">/Karen G. Hazzah/ _____ Signature</td></tr><tr><td style="vertical-align: top;"><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td><td style="vertical-align: top;">Karen G. Hazzah _____ Typed or printed name</td></tr><tr><td style="vertical-align: top;"><input type="checkbox"/> attorney or agent of record. Registration number _____</td><td style="vertical-align: top;">(770) 933-9500 _____ Telephone number</td></tr><tr><td style="vertical-align: top;"><input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 <u>48,472</u></td><td style="vertical-align: top;">10/27/2008 _____ Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>				<input type="checkbox"/> applicant/inventor.	/Karen G. Hazzah/ _____ Signature	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	Karen G. Hazzah _____ Typed or printed name	<input type="checkbox"/> attorney or agent of record. Registration number _____	(770) 933-9500 _____ Telephone number	<input checked="" type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 <u>48,472</u>	10/27/2008 _____ Date
<input type="checkbox"/> applicant/inventor.	/Karen G. Hazzah/ _____ Signature										
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<input checked="" type="checkbox"/> *Total of <u>1</u> forms are submitted.											

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

**Jerding et al.**

Serial No.:

**09/693,790**

Filed:

**October 20, 2000**

For:

**Integrated Searching System for  
Interactive Media Guide**

Group Art Unit:

**2623**

Examiner:

**Shang, Annan Q.**

Docket No.:

**A-6689 (191910-1590)**

**REMARKS IN SUPPORT OF  
PRE-APPEAL BRIEF CONFERENCE**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Applicant submits the following remarks in support of a Request for Pre-Appeal Brief  
Conference.

## **REMARKS**

Applicant respectfully submits that the rejections of the claims in the outstanding final Office Action (mailed July 25, 2008, Paper No. 20080716) are clearly factual error. Applicant presents a summary of these errors in this section, then provides further detail below.

One instance of clear error is the contention that recording programs to one device (a VCR) and storing EPG data to a different device (hard disk or flash memory) is the same as recording media programs on the same device that stores media information corresponding to the recorded media programs. Another instance of clear error is the contention that searching an EPG which is stored on one device is the same as searching first and second storage devices. Yet another such instance of clear error is the contention that searching the Internet is the same as searching first and second storage devices, where the user is enabled to record media programs on the first storage device.

1. Rejection of Independent Claim 117 under §102: *Nishikawa et al.* (U.S. 5,828,370)

a. *Nishikawa et al.* does not disclose “enabling a user to record a first set of media programs in a first storage device associated with a digital personal video recorder (PVR); storing media information corresponding to the recorded first set of media programs in the first storage device”

The plain language of claim 117 (reproduced above) indicates that media programs are recorded on the same device that stores media information corresponding to the recorded media programs. In *Nishikawa et al.*, the only device on which programs are stored is a video cassette recorder (VCR): “[t]he GUI includes a TV Planner icon which, if selected by the user, causes the television [sic] to display a monthly calendar [sic] (or recording/reminder list) that indicates which programs are purchased and/or selected for recording by a VCR” (Abstract.) Thus, the rejection of claim 117 using *Nishikawa et al.* implicitly alleges that the VCR is the “first storage device”. However, there is no teaching in *Nishikawa et al.* of the VCR being used to store media information corresponding to the recorded media programs.

In the Response to Arguments section, the final Office Action contends that “DSS/Web TV Receiver 12, DSS/Internet data (EGP data, website data, etc.), stores the data in various storage units...The guide or GUI data and the media data is stored in the storage devices”. (final Office Action, p. 2.) This passage appears to contend that EPG data or website data corresponds to the “media information corresponding to the recorded first set of media programs”.

Applicant assumes (for the sake of argument) that EPG data is properly understood as “media information” as recited in claim 117. As discussed above, the Office Action has interpreted the VCR to be the “first storage device”. Such an interpretation would also require the EPG data to be stored on the VCR, since claim 117 recites “storing media information corresponding to the recorded first set of media programs in the first storage device”. Yet *Nishikawa et al.* does not teach that EPG data is stored to the VCR, instead teaching that EPG data is stored to HDD 228, flash memory 230, or SDRAM 232. (*Nishikawa et al.*, Col. 6, line 50 to Col. 7, line 5; Col. 9, line 50 to Col. 10, line 15.) Thus, the rejection of claim 117 is clearly factual error.

b. *Nishikawa et al.* does not disclose “responsive to the user entering a search term, searching the first and second storage devices for media information having a high level of correlation with the search term”

The plain language of claim 117 (reproduced above) indicates that searching applies to the first and second storage devices. As shown above, the Office Action has interpreted the VCR to be the “first storage device”. Thus, the rejection of claim 117 using *Nishikawa et al.* implicitly alleges that the VCR is the “first storage device”. However, there is no teaching in *Nishikawa et al.* that searching applies to the VCR.

The Office Action (p. 3) alleges that this “searching” feature is disclosed in *Nishikawa et al.* at Col. 2, lines 6-26, Col. 14, line 53-Col. 16, line 19. The only mention of “searching” occurs in the last cited portion (Col. 14, line 53-Col. 16, line 19). In this portion, *Nishikawa et al.*

discloses two types of searches: searching the electronic program guide and searching the Internet. Applicant can find no teaching in *Nishikawa et al.* that the EPG is stored in two devices. Therefore, Applicant respectfully submits that a search of the EPG is not a search of the “first and second devices” claim 117. A search of “the Internet” clearly is not a search of the first and second devices referred to in claim 117, where the user is enabled to record media programs on the first storage device. Nor is a general search for “Internet search terms” the same as a search for “media information”. Thus, the rejection of claim 117 is clearly factual error.

### **CONCLUSION**

Favorable reconsideration and allowance, or the re-opening of prosecution on the merits, of the present application and claims 117-128, 130, 131, 149-163, and 165-187 is hereby courteously requested.

Respectfully submitted,

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